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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,396	06/28/2001	Kazuhiro Okanoue	P/3201-37	6447

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/894,396

Applicant(s)

OKANOUE ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

2683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 61-132.Claim(s) objected to: 5,7,9-11,13,15,20,22,24-26,28,30,35,37,39-41,43,45,50,52,54-56,58 and 60.Claim(s) rejected: 1-4,6,8,12,14,16-19,21,23,27,29,31-34,36,38,42,44,46-49,51,53,57 and 59.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: 1) Having reviewed the application and arguments again, the examiner now additionally objects to claims 5, 20, 35, 50 and allows claim 61. 2) The examiner disagrees with the applicant's argument that no prima facie case was established or that the prior art does not read on the claims. Takano clearly teaches various portions of the claim and Almeida cures the deficiencies (eg. Takano's teachings are directed to a computer located at the base station and hence does not disclose a user with a mobile "radio terminal" that transmits data to/from said base station computer. Almeida discloses wireless tools for cell site planning/simulation (title, abstract) whereby the network administrator inputs data to a server via a terminal/computer (C4, L48-63) that can be standalone (eg. a mobile laptop) or wired/wireless LAN connected C4, L56 for wired embodiment or C5, L15-21 for wireless embodiment). Figure 3b shows how the network manager can modify various parameters regarding the cell site being planned/modeled (#357 allows for low/high number of buildings/obstacles). The examiner notes that the Pentium computer disclosed by Almeida is available in a laptop configuration and would benefit a network administrator since they could carry it to a cell site location and input data based on actually visiting said site (instead of guessing at the topography, man-made obstacles, etc.). Secondly, wireless laptop modems and client-server applications are well known in the art and allow the client and server to be physically separated. Hence, client/server architectures allow full duplex transmission of data (to/from mobile and server) and Almeida's cell site planning tool is similar to the applicant's disclosure and one skilled would use said tool in a similar fashion. 3) Claim 46 is correctly rejected based on the prior art - The examiner interprets the Takano/Almeida combination as comprising a user terminal with the software already loaded on the terminal - hence no download is required. Padhasarathy teaches automatic downloading of software from a server to a client terminal (abstract, figures 2 and 4, and claim 17, see columns 31-32). It would have been obvious to one of ordinary skill in the art of RF communications, at the time of applicant's invention to modify the Takano/Almeida combination above, such that software can be downloaded, to provide new updates/releases to the user while they roam to ensure they have the latest software.



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